

S.C.

Notice of Allowability	Application No.	Applicant(s)	
	09/970,704	CALVERT, MICKEY W.	
	Examiner	Art Unit	
	Sing P Chan	1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed on June 16, 2004.
2. ☒ The allowed claim(s) is/are 1-26, 28 and 29.
3. ☒ The drawings filed on 05 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael P.F. Phelps on June 30, 2004.

The application has been amended as follows: claims 27 and 30 are canceled.

Allowable Subject Matter

2. Claims 1-26, 28, and 29 are allowed.
3. The following is an examiner's statement of reasons for allowance: The claims recite an apparatus for assembling absorbent garments. The apparatus includes an applicator adapted to rotate about an axis having a plurality of fixed-length arms, a plurality of heads fixed relative to one another at predetermined angles located on the fixed length arm adapted to hold absorbent garment parts, a driving means (claim 26) such as a motor (claim 1) adapted to rotate the applicator, a control means (claim 26) i.e. a control device (claim 1) to control the rotational speed of the driving means (claim 25) i.e. a motor (claim 1) such that each of the plurality of applicator heads travels at a first speed when any one of the heads is at a first location to pick up one or more parts moving at approximately the first speed and each of the plurality of applicator heads travels at a second speed when any one of the heads is at a second location to deposit

the one or more parts onto one or more targets moving at approximately the second speed, and the angle about the axis between the first and second location is not substantially equal to the predetermined angle between the heads. Beaudoin et al (U.S. 4,925,520) discloses an apparatus for transferring an elastic waistband to a moving web. The apparatus includes a transfer device with fixed length arms and heads fixed relative to one another at predetermined angles as measure relative to the axis to hold a garment parts such as an elastic waistband, and a motor to rotate the device. (Col 5, lines 46-68) Beaudoin et al does not disclose a control device to control the rotational speed of the motor wherein the control device operate the motor to control the speed of the applicator heads to travel at a first speed at a first location to pick up garment parts and a second speed at a second location to deposit the garment parts to the moving web and the angle about the axis of the first location and second location is not equal to the predetermined angles between the heads. McNichols et al (U.S. 6,149,755) discloses an apparatus for applying part for articles such as diaper and napkins. The apparatus includes an applicator (Col 10, lines 31-57), a motor to rotate the applicator, a controller to control the rotational speed of the motor (Col 10, lines 59-61 and Col 11, lines 56-67), wherein the applicator pickup an article part at the first position at the first speed and deposition the part onto a moving web, i.e. a target, at the second position at a second speed. (Col 16, lines 4-23) McNichols et al does not disclose an applicator with fixed length arms and applicator heads located on the arms and the angle about the axis of the first location and second location is not equal to the predetermined

angles between the heads. A search of the prior art of record did not disclose reference or references in combination with the recited feature.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sing P Chan whose telephone number is 571-272-1225. The examiner can normally be reached on Monday-Friday 7:30AM-11:00AM and 12:00PM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chan Sing P

CA Fiorilla
CHRISTOPHER A. FIORILLA
PRIMARY EXAMINER
SPE, AU 1734